

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

MAXIMUM SEPARATION	)	Civil Action No.: 04-CV-00324
SYSTEMS, INC.	)	
	)	Judge: Burgess
Plaintiff,	)	
	)	
v.	)	
	)	
SOLMETEX, INC.	)	
	)	
Defendant.	)	

**AFFIDAVIT OF TED SHIELDS**

I, Ted Shields, being first duly cautioned and sworn, state that:

1. I am an Applications Manager employed by SolmeteX, Inc. ("SolmeteX"). I have personal knowledge of the matters stated herein and would so testify if called upon to give testimony in this matter.
2. SolmeteX is a Delaware corporation having its headquarters in Northborough, Massachusetts, which is located a few miles from Worcester, Massachusetts.
3. I am employed by SolmeteX at its headquarters in Northborough, Massachusetts.
4. I reside nearby Northborough, Massachusetts, and only a few miles from Worcester, Massachusetts.
5. The documents related to SolmeteX's dental amalgam separators are located at SolmeteX's principal place of business in Massachusetts. In addition, all of SolmeteX's

documents related to the design, manufacture, and use of dental amalgam separators are located there. None are located in Washington.

6. I have personal knowledge of the design and testing by SolmeteX of machines that remove dental amalgam and other particles from dental-office liquid effluent and would testify thereto if called upon to do so. In particular, I am able to testify that SolmeteX's dental amalgam separators are designed and tested at SolmeteX's headquarters in Northborough, Massachusetts. SolmeteX's engineering and drafting departments design SolmeteX's amalgam separators in Northborough, Massachusetts. SolmeteX has a test department at its headquarters in Northborough, Massachusetts. During testing at SolmeteX's headquarters, SolmeteX directs a waste stream of water containing sediment and mercury into the amalgam separator. The amount of amalgam-containing sediment that settles by gravity to the bottom of the filter cartridge is evaluated. The mercury from the mercury-contaminated waste that is retained by an adsorbent in a filter is also evaluated. Finally, SolmeteX analyzes the mercury-free water that exits the amalgam separator through an outlet in the filter cartridge. This testing is performed at SolmeteX's headquarters in Northborough, Massachusetts. No testing is performed in Washington.

FURTHER AFFIANT SAYETH NAUGHT.

Date: 12 MARCH 2004

  
Ted Shields

STATE OF MASSACHUSETTS )  
 ) ss:  
COUNTY OF WORCESTER )

Subscribed and sworn to before me this 12<sup>th</sup> day of MARCH, 2004.

  
Notary Public

My Commission Expires: June 20, 2008

(SEAL)

K:\SXI\12\Affidavit Shields.doc

